

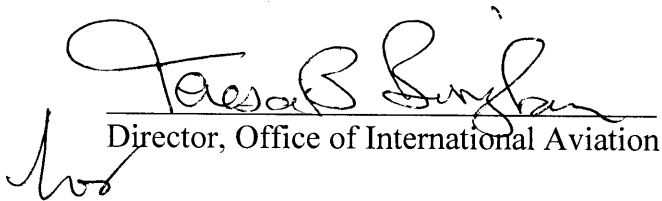
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**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

DEPARTMENT ACTION ON APPLICATION IN DOCKET OST 99-6314 - 5
(filed August 18, 2000)

Approved under assigned authority (14 CFR §385.13).

Date of Action: December 1, 2000


Director, Office of International Aviation

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OFFICE OF THE SECRETARY

This action is subject to the conditions attached. Persons entitled to petition the Department for review of this action under the Department's regulations, 14 CFR §385.30, should file their petitions within ten days of the date of this action. This action is effective immediately, and the filing of a petition for review will not alter its effectiveness.

Joint Application of Delta Air Lines, Inc., and Aerovias de Mexico, S.A. de C.V. (Aeromexico), for Renewal of a Statement of Authorization under 14 C.F.R. Part 212 (U.S.-Canada), and 14 C.F.R. Part 216 (Mexico-Atlanta-Montreal/Toronto) (Blind Sector) (Docket OST-99-6314) (filed August 18, 2000)

*The authority granted is subject to the following conditions:

- (a) The statement of authorization will remain in effect only as long as (i) Delta and Aeromexico continue to hold the necessary underlying authority to operate the code-share services at issue, and (ii) the code-share agreement providing for the code-share operations remains in effect.
- (b) Delta and/or Aeromexico must promptly notify the Department (Office of International Aviation) if the code-share agreement providing for the code-share operations is no longer effective or if the carriers decide to cease operating all or a portion of the approved code-share services. Such notices should be filed in Docket OST-99-6314.¹
- (c) The code-sharing operations conducted under this authority must comply with 14 CFR Part 257 and with any amendments to the Department's regulations concerning code-share arrangements that may be adopted. Notwithstanding any provision in the contract between the carriers, our approval here is expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in computer reservation systems and elsewhere; that the carrier selling such transportation (*i.e.*, the carrier shown on the ticket) accept responsibility for the entirety of the code-share journey for all obligations established in its contract of carriage with the passenger; and that the passenger liability of the operating carrier be unaffected;
- (d) The authority granted here is specifically conditioned so neither Delta nor Aeromexico shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions; and
- (e) We may amend, modify, or revoke the authority granted at any time without hearing at our discretion.

* The joint applicants requested renewal of the authority for a one-year period. Consistent with similar actions involving code-share services with Mexican carriers, we have granted, sua sponte, the application for an indefinite period.

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http://dms.dot.gov/reports/reports_aviation.asp

¹ We expect this notification to be received within 10 days of such non-effectiveness or of such decision.